

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

LOCALS 369, 317, 318, 322, 329, 330 and 350
UTILITY WORKERS UNION OF AMERICA,
AFL-CIO

Plaintiffs,

LOCALS 12003, 12012 and 13507 UNITED
STEEL WORKERS, AFL-CIO

Plaintiffs,

BENJAMIN CARON, et al.

v.

NATIONAL GRID, USA

Defendant

Civil Action No. 12-4567

AMENDED COMPLAINT

NATURE OF THE ACTION

1. This is an action by ten labor organizations against an employer for breaches of collective bargaining agreements, pursuant to §301 of the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185.

2. This is also an action by twelve individuals, suing on behalf of themselves and all other employees similarly situated in their respective collective bargaining units, for violations of the Massachusetts Wage Act, G.L. c. 149, §148.

The Parties

3. Plaintiff Local 369, Utility Workers Union of America, AFL-CIO ("Local 369") is a labor organization that represents multiple employees employed by Defendant, and that has a principal place of business at 120 Bay State Drive, Braintree, Norfolk County, Commonwealth of Massachusetts.

4. Plaintiff Local 317, Utility Workers Union of America, AFL-CIO ("Local 317") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business at 15 Walcott Road, Danvers, Essex County, Commonwealth of Massachusetts.

5. Plaintiff Local 318, Utility Workers Union of America, AFL-CIO ("Local 318") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business in Beverly, Essex County, Commonwealth of Massachusetts.

6. Plaintiff Local 322, Utility Workers Union of America, AFL-CIO ("Local 322") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business at 42 Crest Road, Monson, Hampden County, Commonwealth of Massachusetts.

7. Plaintiff Local 329, Utility Workers Union of America, AFL-CIO ("Local 329") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business at 14 Willow Road, Milford, Worcester County, Commonwealth of Massachusetts.

8. Plaintiff Local 330, Utility Workers Union of America, AFL-CIO ("Local 330") is a labor organization that represents multiple employees employed by Defendant and that has a

principal place of business at 4 Rockland Road Court, Auburn, Worcester County, Commonwealth of Massachusetts.

9. Plaintiff Local 350, Utility Workers Union of America, AFL-CIO ("Local 350") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business at 36 Mill Street, Leominster, Worcester County, Commonwealth of Massachusetts.

10. Plaintiff Local 12003, United Steel Workers, AFL-CIO ("Local 12003") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business at 85 Commercial Street, Weymouth, Norfolk County, Commonwealth of Massachusetts.

11. Local 12012, United Steel Workers, AFL-CIO ("Local 12012") is a labor organization that represents multiple employees employed by Defendant and that has a principal place of business in Lowell, Middlesex County, Commonwealth of Massachusetts.

12. Local 13057, United Steel Workers, AFL-CIO ("Local 13057") is a labor organization that represents multiple employees employed by Defendant in cities and towns on Cape Cod, Barnstable County, Commonwealth of Massachusetts.

13. Benjamin Caron is an individual residing in Lynn, Essex County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 318, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

14. Kerry Ashmore is an individual residing in Leominster, Worcester County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 330, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

15. Colin Walsh is an individual residing in Dracut, Middlesex County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 317, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

16. John Taglieri is an individual residing in Melrose, Middlesex County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 369, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

17. William Soucy is an individual residing in Worcester, Worcester County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 330, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

18. Richard Mosher is an individual residing in Webster, Worcester County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 369, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

19. John King is an individual residing in Lancaster, Worcester County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 350, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

20. Clifford Ferrone is an individual residing in Milford, Worcester County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local

329, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

21. Margaret Flynn is an individual residing in Dracut, Middlesex County, Commonwealth of Massachusetts and is a member of Utility Workers Union of America, Local 369, AFL-CIO, who is suing on behalf of all other similarly situated employees in his bargaining unit.

22. Matthew Balboni is an individual residing in Plymouth, Plymouth County, Commonwealth of Massachusetts and is a member of United Steelworkers Union of America, Local 13507, who is suing on behalf of all other similarly situated employees in his bargaining unit.

23. Wayne Davis is an individual residing in Andover, Essex County, Commonwealth of Massachusetts and is a member of United Steelworkers Union of America, Local 12012, who is suing on behalf of all other similarly situated employees in his bargaining unit.

24. Martin Hernon is an individual residing in Dedham, Norfolk County, Commonwealth of Massachusetts and is a member of United Steelworkers Union of America, Local 12003, who is suing on behalf of all other similarly situated employees in his bargaining unit.

25. Defendant National Grid USA ("National Grid" or "the Company") is a foreign corporation, doing business in the Commonwealth of Massachusetts, with a principal address at 40 Sylvan Road, Waltham, Massachusetts, Middlesex County, Commonwealth of Massachusetts.

Jurisdiction and Venue

26. Jurisdiction in the Superior Court is authorized by G.L. c. 212, §3 as there is no reasonable likelihood that Plaintiffs will recover less than \$25,000.

27. Venue is appropriate in this Court, pursuant to G.L. c. 223, §1 as Middlesex is the County in which National Grid has a principal place of business.

Compliance With Statutory Requirement

28. In compliance with statutory requirements under the Massachusetts Wage Act, Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne Davis and Martin Hernon have all filed wage complaints with the Massachusetts Attorney General's Office and have received authorization to pursue private rights of action from the Massachusetts Attorney General's Office against National Grid in a letter dated December 10, 2012.

Facts

29. Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne Davis and Martin Hernon are all hourly employees of Defendant National Grid to whom National Grid has failed to pay timely and complete wages, including overtime.

30. Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne Davis and Martin Hernon are similarly situated to numerous other members of their respective bargaining units to whom National Grid has failed to pay timely and complete wages.

31. Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne Davis and Martin Hernon bring this action on behalf of all other similarly situated hourly employees of National Grid to whom National Grid has failed to pay timely and complete wages.

32. Plaintiff Locals 369, 322, 317, 318, 329, 330, 350, 12003, 12012 and 13057 (herein the "Unions") represent several thousands of employees who work throughout the Commonwealth of Massachusetts in various aspects of the utilities industry for Defendant National Grid USA. The Unions sue on behalf of each represented employee of National Grid covered by a collective bargaining agreement who has been adversely affected by the pay practices complained of herein.

33. Each Plaintiff Union is engaged in collective bargaining relationships with National Grid.

34. Each Plaintiff Union has negotiated and agreed to one or more collective bargaining agreements that are currently in force with National Grid.

35. These collective bargaining agreements spell out the wages, hours and working conditions of union members/employees who work for National Grid.

36. One of the central aspects of each of these collective bargaining agreements is that National Grid shall pay employees for all hours worked, specifically including overtime hours worked in excess of regular hours.

37. National Grid has failed over a period of approximately 30 days to pay wages due, including overtime pay, to these represented employees.

38. National Grid has paid represented employees late.

39. National Grid has paid represented employees in amounts less than they have earned.

40. National Grid has failed to deduct proper amounts from paychecks of represented employees.

41. National Grid has failed to take steps to correct the problems with its payroll systems.

42. National Grid's failure to pay its employees for hours worked constitutes a breach of each of the collective bargaining agreements in force between the Company and the Plaintiff Unions.

43. As a direct and proximate result of the breach of the collective bargaining agreements alleged herein, National Grid has caused represented employees to miss financial obligations including mortgage, credit card and child support obligations, incur penalties and fees for non-payment and late payment of such obligations and otherwise disrupt the orderly financial affairs of the represented employees.

44. As a direct and proximate result of National Grid's failure to pay full and complete wages to the individual plaintiffs and other similarly situated employees, the individual plaintiffs have incurred costs.

Prayer for Relief

WHEREFORE, the plaintiffs pray for judgment as follows:

- A. Plaintiff Unions request Judgment enter against National Grid, pursuant to §301 of the Labor Management Relations Act, as amended, 29 U.S.C. §185;
- B. Plaintiff Unions request an order from this Court directing Defendant National Grid to adhere to its contractual obligations under the collective bargaining agreements;
- C. Plaintiff Unions further request reasonable attorneys' fees and other litigation disbursements reasonably incurred in the course of;
- D. Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne

Davis and Martin Hernon request that Judgment enter against National Grid, pursuant to the Massachusetts Wage Act for all wages due and costs incurred as a consequence of National Grid's failure to pay timely and complete wages to Plaintiffs and to all other similarly situated hourly employees in bargaining units;

E. Plaintiffs Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne Davis and Martin Hernon request treble damages and attorneys' fees pursuant to the Massachusetts Wage Act.

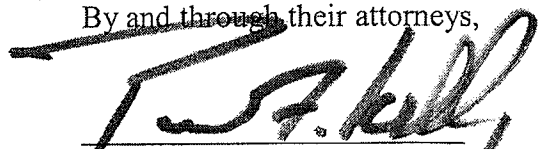
F. For such other and further relief as the Court deems just and proper.

LOCALS 369, 317, 318, 322, 329, 330 and 350
UTILITY WORKERS UNION OF AMERICA,
AFL-CIO,
LOCALS 12003, 12012 AND 13057, UNITED
STEEL WORKERS, AFL-CIO

and

PLAINTIFFS BENJAMIN CARON, ET. AL.

By and through their attorneys,



Paul F. Kelly, Esq. (BBO #267000)
pkelly@segalroitman.com
Louis A. Mandarini, Esq. (BBO #669293)
lmandarini@segalroitman.com
SEGAL ROITMAN, LLP
111 Devonshire Street, 5th Floor
Boston, MA 02109
(617) 742-0208

Dated: December 21, 2012